

## COMPTROLLER OF PUBLIC ACCOUNTS

### FISCAL NOTE ESTIMATE

For: HB 101 by Riddle

Date: February 20, 2007

#### I. Bill Summary

This bill would amend Chapters 13, 63, and 65 of the Election Code and Chapter 521 of the Transportation Code, relating to voter identification and exemption from the fee for an identification card.

The bill would amend Chapter 13 of the Election Code to add to existing registration application requirements proof of an applicant's U.S. citizenship by submitting a copy of a birth certificate, U.S. citizenship papers, or an unexpired U.S. passport.

The bill would amend Chapter 63 of the Election Code to require a voter to present qualifying identification—as described in the bill—in addition to a voter's registration certificate.

Qualifying identification would be one form of photo identification or two forms of proof of identification. Among the items that would constitute acceptable photo identification would be: a driver's license or personal identification card issued by the Texas Department of Public Safety (DPS) that had not expired, or expired no earlier than two years before the date presented.

Voters not meeting the identification requirements could be accepted for provisional voting by signing an affidavit.

The bill would amend Chapter 65 of the Elections Code to add a space on a provisional ballot for an election officer to indicate whether a person presented the required proof of identification. The Texas Secretary of State would prescribe procedures, as necessary, to implement this section on provisional ballots.

The bill would amend Chapter 521 of the Transportation Code to prohibit DPS from collecting a fee for a personal identification certificate issued to a person who executed an affidavit stating that the person was financially unable to pay the required fee, and the person was a registered voter in the state or would be eligible for registration and would submit a registration application to DPS.

The changes in law made by this bill relating to additional requirements for a registration application would apply only to an application for voter registration submitted on or after the effective date of the bill.

This bill would take effect September 1, 2007.

**II. Methodology Summary**

Based on Texas Department of Public Safety (DPS) data, 13.1 percent of Texas identification card holders indicated a registration to vote. According to July 1, 2004 U.S. Census data 16.2 percent of the Texas population is estimated to fall below the poverty level.

In fiscal 2006, DPS issued 560,493 original and renewal identification cards. If 13.1 percent (approximately 73,425) register to vote, and 16.2 percent were below the poverty level, then a total of about 11,866 individuals could be eligible for waiver of the identification fee.

U.S. Census data also indicate that, of those in Texas at the poverty level, about 13.16 percent are 60 years old or older, making them exempt from the \$5 fee. The remainder—86.84 percent—would be exempt from the standard \$15 fee. For those persons registered under the Sex Offender Registration Program and thereby subject to the \$20 personal identification certificate fee, the potential loss in fee revenues could not be determined. Population growth was forecast using the Comptroller's Fall 2006 forecast. Identification card revenues are deposited to the credit of the Texas Mobility Fund 0365.

**III. Fiscal Impact, 2008-2012**

<b>Fiscal Year</b>	<b>Gain/(Loss) to the Texas Mobility Fund 0365</b>
2008	(\$161,000)
2009	(164,000)
2010	(167,000)
2011	(169,000)
2012	(172,000)

**IV. Cash Flow Effects**

This bill would have a negative effect on the state's cash flow.

**V. Administrative Cost to the Comptroller**

There would be no administrative costs to the Comptroller's Office.

**VI. Technology**

There would be no technology impact to the Comptroller's Office.

**VII. Fiscal Implications after 2012**

Similar fiscal implications would continue after 2012.



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P.O. BOX 15528  
AUSTIN, TEXAS 78711-5528

Susan Combs  
Texas Comptroller of Public Accounts

February 20, 2007

The Honorable Debbie Riddle  
State Representative  
Texas House of Representatives  
Capitol Extension, Room E2.208  
Austin, Texas 78701

Dear Representative Riddle:

The Legislative Budget Board has requested our assistance in developing data for the fiscal note on your bill: HB 101. We are forwarding the enclosed information to the Board for their consideration in developing their estimate.

If you have any questions regarding the information we are furnishing them, please contact John Heleman at 475-0042.

Sincerely,

John Heleman  
Chief Revenue Estimator

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Enclosure



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*A Principled  
Approach to  
Public Policy*

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February 26, 2007

The Honorable Debbie Riddle  
Texas House of Representatives  
P.O. Box 2910  
Austin TX 78768

Hand-Delivered: E2.208

Dear Representative Riddle,

Please see the enclosed TCCRI LIFT Perspective: "Porous Borders, Porous Elections: The Imperative to Verify Voters' Citizenship". With House Bill 101 being heard in the House Elections Committee this Wednesday, I hope you find this report helpful.

The LIFT Perspective lays out direct proof of non-citizens on the voter rolls in both Harris and Bexar counties. The extent to which non-citizens are on the voter rolls, and potentially voting, in other counties is unknown. Given this and other proven instances of vote fraud, passage of more stringent voter identification is necessary.

If you have any questions, or if we can be of assistance in the passage of your bill, please contact us at 512-474-6042.

Thank you for your service to the state.

Sincerely,

A handwritten signature in black ink that reads "Brent Connett". The signature is written in a cursive, flowing style.

Brent Connett  
Task Force Director and Policy Analyst

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FILED NOV 19 2006

By: Debbie Riddle

H.B. No. 101

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for registering to vote and accepting a voter at a polling place.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002, Election Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) A registration application must include:

(1) the applicant's first name, middle name, if any, last name, and former name, if any;

(2) the month, day, and year of the applicant's birth;

(3) a statement that the applicant is a United States citizen;

(4) a statement that the applicant is a resident of the county;

(5) a statement that the applicant has not been determined mentally incompetent by a final judgment of a court;

(6) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

(7) the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;

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1 (8) the following information:  
2 (A) the applicant's Texas driver's license number  
3 or the number of a personal identification card issued by the  
4 Department of Public Safety or a statement by the applicant that the  
5 applicant has not been issued a driver's license or personal  
6 identification card; or

7 (B) if the applicant has not been issued a number  
8 described by Paragraph (A), the last four digits of the applicant's  
9 social security number or a statement by the applicant that the  
10 applicant has not been issued a social security number;

11 (9) if the application is made by an agent, a statement  
12 of the agent's relationship to the applicant; ~~and~~

13 (10) the city and county in which the applicant  
14 formerly resided; and

15 (11) a copy of a document providing proof that the  
16 applicant is a United States citizen.

17 (e) The following documentation is acceptable as proof of  
18 citizenship under Subsection (c)(11):

19 (1) a birth certificate or other document confirming  
20 birth that is admissible in a court of law;

21 (2) United States citizenship papers issued to the  
22 applicant; or

23 (3) an unexpired United States passport issued to the  
24 applicant.

25 SECTION 2. Section 13.121(a), Election Code, is amended to  
26 read as follows:

27 (a) The officially prescribed application form for

1 registration by mail must be in the form of [a] business reply mail  
 2 [postcard], unless another form or system is used under Subsection  
 3 (b), with postage paid by the state. The secretary of state shall  
 4 design the form to enhance the legibility of its contents.

5 SECTION 3. Section 63.001, Election Code, is amended by  
 6 amending Subsections (b), (c), (d), and (f) and adding Subsection  
 7 (g) to read as follows:

8 (b) On offering to vote, a voter must present to an election  
 9 officer at the polling place the voter's voter registration  
 10 certificate and either:

11 (1) one form of identification listed in Section  
 12 63.0101(a); or

13 (2) two different forms of identification listed in  
 14 Section 63.0101(b) [to an election officer at the polling place].

15 (c) On presentation of the documentation required by  
 16 Subsection (b) [a registration certificate], an election officer  
 17 shall determine whether the voter's name on the registration  
 18 certificate is on the list of registered voters for the precinct.

19 (d) If the voter's name is on the precinct list of  
 20 registered voters and the voter's identity can be verified from the  
 21 proof presented, the voter shall be accepted for voting.

22 (f) After determining whether to accept a voter, an election  
 23 officer shall return the voter's documentation [registration  
 24 certificate] to the voter.

25 (g) If the requirements for identification prescribed by  
 26 Subsection (b)(1) or (2) are not met, the voter shall be accepted  
 27 for provisional voting only under Section 63.011.



1 SECTION 4. Chapter 63, Election Code, is amended by adding  
2 Section 63.0012 to read as follows:

3 Sec. 63.0012. USE OF ADDRESS ON IDENTIFICATION. (a) This  
4 section applies only to a voter who:

5 (1) presents a registration certificate;

6 (2) is on the list of registered voters for the  
7 precinct; and

8 (3) confirms that the address on the list of  
9 registered voters is current under Section 63.0011.

10 (b) In verifying the identity of a voter described by  
11 Subsection (a) under Section 63.001, an election officer may not  
12 consider whether the voter's address on a form described by Section  
13 63.001(b)(1) or (2) matches the voter's address on the registration  
14 certificate or the list of registered voters.

15 SECTION 5. Section 63.006(a), Election Code, is amended to  
16 read as follows:

17 (a) A voter who, when offering to vote, presents a voter  
18 registration certificate indicating that the voter is currently  
19 registered in the precinct in which the voter is offering to vote,  
20 but whose name is not on the precinct list of registered voters,  
21 shall be accepted for voting if the voter's identity can be verified  
22 from the proof presented.

23 SECTION 6. Section 63.007(a), Election Code, is amended to  
24 read as follows:

25 (a) A voter who, when offering to vote, presents a voter  
26 registration certificate indicating that the voter is currently  
27 registered in a different precinct from the one in which the voter



1 is offering to vote, and whose name is not on the precinct list of  
2 registered voters, shall be accepted for voting if the voter's  
3 identity can be verified from the proof presented and the voter  
4 executes an affidavit stating that the voter:

5 (1) is a resident of the precinct in which the voter is  
6 offering to vote or is otherwise entitled by law to vote in that  
7 precinct;

8 (2) was a resident of the precinct in which the voter  
9 is offering to vote at the time that information on the voter's  
10 residence address was last provided to the voter registrar;

11 (3) did not deliberately provide false information to  
12 secure registration in a precinct in which the voter does not  
13 reside; and

14 (4) is voting only once in the election.

15 SECTION 7. Section 63.008(a), Election Code, is amended to  
16 read as follows:

17 (a) A voter who does not present a voter registration  
18 certificate when offering to vote, but whose name is on the list of  
19 registered voters for the precinct in which the voter is offering to  
20 vote, shall be accepted for voting if the voter executes an  
21 affidavit stating that the voter does not have the voter's voter  
22 registration certificate in the voter's possession at the polling  
23 place at the time of offering to vote and the voter's identity can  
24 be verified from the proof presented ~~(voter presents proof of~~  
25 ~~identification in a form described by Section 63.0101).~~

26 SECTION 8. Section 63.0101, Election Code, is amended to  
27 read as follows:

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1 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

2 (a) The following documentation is an acceptable form [~~as proof~~] of  
3 photo identification under this chapter:

4 (1) a driver's license or personal identification card  
5 issued to the person by the Department of Public Safety or the  
6 equivalent agency of another state that has not expired or that  
7 expired no earlier than two years before the date of presentation  
8 [~~or a similar document issued to the person by an agency of another~~  
9 ~~state, regardless of whether the license or card has expired~~];

10 (2) a United States military identification card that  
11 contains the person's photograph [~~form of identification~~  
12 ~~containing the person's photograph that establishes the person's~~  
13 ~~identity~~];

14 (3) a valid employee identification card that contains  
15 the person's photograph and is issued by an employer of the person  
16 in the ordinary course of the employer's business [~~birth~~  
17 ~~certificate or other document confirming birth that is admissible~~  
18 ~~in a court of law and establishes the person's identity~~];

19 (4) a United States citizenship certificate [~~papers~~]  
20 issued to the person that contains the person's photograph;

21 (5) a United States passport issued to the person;

22 (6) a student identification card issued by a public  
23 or private institution of higher education that contains the  
24 person's photograph [~~official mail addressed to the person by name~~  
25 ~~from a governmental entity~~];

26 (7) a license to carry a concealed handgun issued to  
27 the person by the Department of Public Safety;

1           (8) an identification card issued by a state agency of  
2           this state that contains the person's photograph; or

3           (9) an identification card that contains the person's  
4           photograph and is issued by a county elections administrator or a  
5           county clerk.

6           (b) The following documentation is acceptable as proof of  
7           identification under this chapter:

8           (1) a copy of a current utility bill, bank statement,  
9           government check, paycheck, or other government document that shows  
10          the name and address of the voter;

11          (2) official mail addressed to the person by name from  
12          a governmental entity;

13          (3) a certified copy of a birth certificate or other  
14          document confirming birth that is admissible in a court of law and  
15          establishes the person's identity;

16          (4) United States citizenship papers issued to the  
17          person;

18          (5) an original or certified copy of the person's  
19          marriage license or divorce decree;

20          (6) court records of the person's adoption, name  
21          change, or sex change;

22          (7) an identification card issued to the person by a  
23          governmental entity of this state or the United States for the  
24          purpose of obtaining public benefits, including veteran's  
25          benefits, Medicaid, or Medicare;

26          (8) a temporary driving permit issued to the person by  
27          the Department of Public Safety;